

**COMMUNITY AFFAIRS**

**DIVISION OF CODES AND STANDARDS**

**Uniform Construction Code**

**Rehabilitation Subcode**

**Adopted Amendments: N.J.A.C. 5:23-6.5, 6.6, 6.7, 6.8, 6.9 and 6.31**

Authorized by: Susan Bass Levin, Commissioner, Department of Community Affairs

Proposed: September 20, 2004 at 36 N.J.R 4222(a)

Adopted: January                      , 2005 by Susan Bass Levin, Commissioner, Department of  
Community Affairs

Filed:                                      as R.2005, d.                      , **with substantive changes** not requiring  
additional public notice and comment (see N.J.A.C. 1:30-6.3)

Authority: N.J.S.A. 52-27D-124

Effective Date:                                      , 2005.

Expiration Date: January 15, 2008

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**Susan Bass Levin,  
Commissioner**

The agency adoption follows:

## Summary of Public Comments and Agency Responses

**A comment was received from** Robert B. Corby, Construction Official, Washington Township.

**COMMENT:** The commenter stated that the proposed amendment to sections 6.5, 6.6, 6.8, 6.9 and 6.31 regarding pool barriers would cause homeowners undue hardship. The commenter stated that a homeowner who simply removes a section of or repairs a swimming pool barrier for 50 percent of the area would incur an enormous cost to replace the entire barrier.

**RESPONSE:** The Department agrees with the commenter and therefore the existing requirements of Sections 6.5, 6.6 and 6.7 will remain.

### **Federal Standards Statement**

No Federal standards analysis is required because these amendments are not being proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

**Full text** of the adoption follows (deletions indicated in brackets with asterisks \*[thus]\*):

### **5:23-6.5 Renovations**

(a) – (g) (No change.)

(h) All materials and methods used shall comply with the building, plumbing, fire protection, mechanical, electrical and barrier free subcodes as specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. – 2. (No change.)

\*[3. When the work being performed on a barrier around a swimming pool, spa, or hot tub exceeds 50 percent of the total perimeter of the barrier, the entire barrier shall comply with the requirements of section 3109.9 of the building subcode.]\*

### **5:23-6.6 Alterations**

(a) – (h) (No change.)

(i) All materials and methods used shall comply with the requirements specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. – 2. (No change.)

\*[3. When the work being performed on a barrier around a swimming pool, spa, or hot tub exceeds 50 percent of the total perimeter of the barrier, the entire barrier shall comply with the requirements of section 3109.9 of the building subcode.]\*

(k) (No change.)

### **5:23-6.7 Reconstruction**

(a) – (f) (No change.)

(g) All materials and methods used shall comply with the requirements specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. – 3. (No change.)

\*[4. When the work being performed on a barrier around a swimming pool, spa, or hot tub exceeds 50 percent of the total perimeter of the barrier, the entire barrier shall comply with the requirements of section 3109.9 of the building subcode.]\*

(h) – (k) (No change.)